

STATE OF CONNECTICUT



Michael P. Bowler
Statewide Bar Counsel

Frances Mickelson-Dera
Christopher L. Slack
First Assistant Bar Counsel

Tel: (860) 568-5157

Fax: (860) 568-4953

STATEWIDE GRIEVANCE COMMITTEE

www.jud.ct.gov/sgc/
Second Floor - Suite Two
287 Main Street, East Hartford, Connecticut 06118-1885

10/25/2013

OFFICE OF CHIEF DISCIPLINARY C
100 WASHINGTON STREET
HARTFORD CT 06106

PAUL ARTHUR GARLINGHOUSE
171 ORANGE STREET
SUITE 301
NEW HAVEN CT 06510

RE: GRIEVANCE COMPLAINT #12-0826
RAMIREZ vs. GARLINGHOUSE

Dear Respondent and Disciplinary Counsel:

Enclosed herewith is the decision of the reviewing committee of the Statewide Grievance Committee concerning the above referenced matter. In accordance with the Practice Book Sections 2-35, 2-36 and 2-38(a), the Respondent may, within thirty (30) days of the date of this notice, submit to the Statewide Grievance Committee a request for review of the decision.

A request for review must be sent to the Statewide Grievance Committee at the address listed above.

Sincerely,

Michael P. Bowler

Encl.

cc: Attorney Michael A. Georgetti
Anna Ramirez

STATEWIDE GRIEVANCE COMMITTEE

Anna Ramirez
Complainant

:

vs.

:

Grievance Complaint #12-0826

Paul A. Garlinghouse
Respondent

:

DECISION

Pursuant to Practice Book §2-35, the undersigned, duly-appointed reviewing committee of the Statewide Grievance Committee, conducted a hearing at the Superior Court, One Court Street, Middletown, Connecticut on June 12, 2013. The hearing addressed the record of the complaint filed on November 14, 2012, and the probable cause determination filed by New Haven Judicial District Grievance Panel for the towns of Bethany, New Haven and Woodbridge on February 4, 2013, finding that there existed probable cause that the Respondent violated Rule 1.3, 1.5 (b), 1.15 (b),(d) and (e), 1.16(d) and 8.1(2) of the Rules of Professional Conduct and Practice Book §2-32(a)(1).

Notice of the hearing was mailed to the Complainant, to the Respondent and to the Office of the Chief Disciplinary Counsel on April 24, 2013. Pursuant to Practice Book §2-35(d), Assistant Disciplinary Counsel Karyl Carrasquilla pursued the matter before this reviewing committee. The Complainant and the Respondent appeared at the hearing and testified before this reviewing committee. Two exhibits were admitted into evidence.

Reviewing committee member Robert Myers was unavailable for the hearing on June 12, 2013. Since both the Assistant Disciplinary Counsel and the Respondent agreed to waive the participation of Mr. Myers, this decision was rendered by the undersigned.

This reviewing committee finds the following facts by clear and convincing evidence:

On March 15, 2012, the Complainant retained the Respondent to represent her in a marital dissolution. The Complainant signed a retainer agreement on that same date and gave the Respondent a \$5,000 retainer. The Complainant borrowed the funds for the retainer from a friend, and paid back the friend in August of 2012. Thereafter, the Complainant met with the Respondent briefly on two occasions and the divorce papers were filed with the court. At the end of April of 2012, the Complainant reconciled with her husband.

The Respondent prepared a Request for Reconciliation dated May 9, 2012. On May 24, 2012, the Complainant requested that the Respondent withdraw the divorce action, and asked for an

invoice and the return of any unearned retainer funds. The Respondent did not comply with any of these requests, and the Complainant had to file the withdrawal herself, on July 27, 2012.

The Respondent did not file an answer to the grievance complaint.

This reviewing committee also considered the following:

A few days prior to the hearing before this reviewing committee, the Respondent sought to provide an accounting, in which he claimed to have worked for about ten hours on the Complainant's matter. The Respondent claimed to have made contemporaneous records of his time on the file, but provided no such records. The Respondent indicated that he was prevented from providing an accounting due to problems with his computer. The Respondent stated that he was unsure as to whom he should return the unearned funds, because the Complainant's friend who loaned her the money was also asking the Respondent for the money back. The Respondent stated that the funds remain in his IOLTA account.

This reviewing committee concludes by clear and convincing evidence that the Respondent engaged in unethical conduct in this matter. The Respondent's failure to file the withdrawal of action was a lack of diligence in violation of Rule 1.3 of the Rules of Professional Conduct. As there was a written fee agreement, this reviewing committee does not find a violation of Rule 1.5(b), and additionally, we are unable to conclude that the Respondent did not safe-keep the retainer funds in accordance with Rule 1.15(b) and (d). However, the Respondent failed to promptly provide an accounting, in violation of Rule 1.15(e), having delayed almost a full year before proffering an accounting. The Respondent also failed to refund unearned retainer fees, in violation of Rule 1.16(d). The Respondent did not file an answer to the grievance complaint in violation of Practice Book §2-32(a)(1) and Rule 8.1(2) of the Rules of Professional Conduct.

Since we conclude that the Respondent violated Rules 1.3, 1.15(e), 1.16(d) and 8.1(2) of the Rules of Professional Conduct and Practice Book §2-32(a)(1), we reprimand the Respondent. Additionally, since we give little credence to the Respondent's belated attempt to provide an accounting in this matter, we order the Respondent to make restitution to the Complainant in the amount of \$4,000 within 30 days of the date of this decision. The Respondent is ordered to provide the Statewide Grievance Committee with proof of his compliance with this sanction within 14 days of making restitution to the Complainant. Finally, we order the Respondent to take and complete two courses in continuing legal education ("CLE"), one in legal ethics and one in law office management. Each CLE course is to cover Connecticut law and is to consist of a minimum of three credit hours. They are to be completed within one year of the date of this decision, and be attended in-person, and at the Respondent's own expense, unless the Respondent obtains prior approval from the Statewide Grievance Committee to take the courses through electronic or other means. The Respondent is to provide written confirmation to the Statewide Grievance Committee of his compliance with these conditions within thirty (30) days of completion of the CLE courses. The

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written confirmation should be in the form of a certificate of attendance or similar documentation from the course provider.

So ordered.

(8)

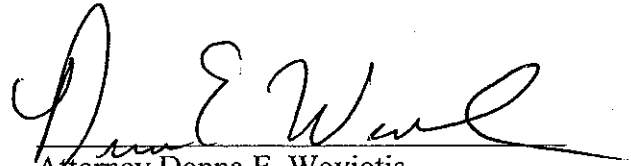
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DECISION DATE: 10/24/13

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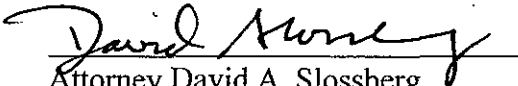


Attorney Donna E. Woviotis

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Attorney David A. Slossberg